

**Village of Indian Head Park
201 Acacia Drive
Indian Head Park, IL 60525**

**MINUTES
VILLAGE OF INDIAN HEAD PARK
PLANNING AND ZONING COMMISSION
PUBLIC HEARING**

“Pursuant to 5 ILCS 120/2.06 (3) minutes of public meetings shall include, but need not be limited to: a general description of all matters proposed, discussed, or decided, and a record of votes taken.”

Tuesday, June 3, 2008

7:30 P.M.

CALL TO ORDER -CHAIRMAN DENNIS SCHERMERHORN

A public hearing was hosted by the Village of Indian Head Park Planning and Zoning Commission on Tuesday, June 3, 2008, at the Municipal Facility, 201 Acacia Drive. Zoning Petition #169 was presented to the Commission by Mr. & Mrs. Vern Kramer, owners of the property at 11135 Glenbrook Lane, who are requesting a rear yard variation and amendment to the Ashbrook Development Planned Unit Development to allow for the construction of a porch addition to be constructed over an existing patio area into the rear yard setback. The meeting was convened at 7:30 p.m. by Chairman Schermerhorn and Kathy Leach, Zoning Commission Secretary, called the meeting to order.

ROLL CALL: PRESENT (AND CONSTITUTING A QUORUM):

Chairman Dennis Schermerhorn
Commissioner Diane Andrews
Commissioner Noreen Costelloe
Commissioner Denise Ingram
Commissioner Mike Lopez
Commissioner Jack Yelnick

NOT PRESENT:

Commissioner Earl O'Malley (prior personal commitment)

PLEDGE OF ALLEGIANCE TO THE FLAG

Chairman Schermerhorn the Planning and Zoning Commission members led the audience in reciting the Pledge of Allegiance to the Flag as follows: *“I Pledge Allegiance to the Flag of the United States of America and to the republic for which it stands, one nation under God indivisible with liberty and justice for all”*.

**QUESTIONS AND/OR COMMENTS FROM INDIAN HEAD PARK
RESIDENTS/PROPERTY OWNERS IN ATTENDANCE REGARDING ZONING
AGENDA ITEMS**

None

**PUBLIC HEARING HELD BEFORE THE VILLAGE OF INDIAN HEAD
PARK PLANNING AND ZONING COMMISSION (PUBLIC COMMENTS
RECEIVED AFTER DISCUSSIONS BY THE PLANNING AND ZONING
COMMISSION MEMBERS AND PRIOR TO VOTES)**

ZONING AGENDA ITEMS:

- 1. Petition #169 – A Petition for a Rear Yard Variation and an Amendment to the Ashbrook Development Planned Unit Development Regarding a Porch Addition at 11135 Glenbrook Lane, Indian Head Park.**

Chairman Schermerhorn noted that an application for a zoning amendment to the Ashbrook Development Planned Unit Development was filed with the Village to allow for the construction of a porch addition into the rear yard setback of the property located at 11135 Glenbrook Lane. The following exhibits were presented and reviewed by the Commission concerning this zoning petition: (1) a zoning petition form dated May 9, 2008 signed by Mr. & Mrs. Vern Kramer requesting a variation and an amendment to the Ashbrook Development P.U.D; (2) a certificate of publication notice in the Suburban Life newspaper on Saturday, May 17, 2008; (3) a letter of approval from the Ashbrook Estate Homes Association dated April 14, 2008; (3) a plan review report dated May 12, 2008 prepared by the Village's plan review consultant; (4) a list of adjacent property owners within two- hundred fifty feet of the subject property; (5) a copy of a Plat of Survey of the subject property (Lot #54 in Ashbrook), an Ashbrook Site Development Plan and a project summary and proposed plans provided by Darlene Stern Architects dated May 6, 2008; (6) a copy of the letter that was sent to the adjacent property owners dated May 15, 2008; (7) a memo to public works regarding posting of the zoning sign on the subject property and (8) a minor plan revision presented by Mr. Kramer this evening.

Mr. Vern Kramer stated that he is interested in constructing a porch covering over an existing at grade patio area in the rear yard of his property. Mr. Kramer mentioned that there are always sunny areas in the rear yard of his property and he tried patio umbrellas but that does not provide enough shade on that side of the home. He stated that the open porch addition measuring twelve-foot (12') by sixteen-feet (16') would be constructed over an existing patio slab to provide more usable space in the rear yard, the covering would provide a shade area from the sun and the porch would create an encroachment into the rear yard of the property by approximately 6.67

feet. He noted that a railing is proposed on two sides of the open porch (on the south side and west side of the home).

Mr. Kramer stated that a door is proposed to exit the home into the porch area. He noted that his contractor observed that there is just eleven inches of space near a window area to the porch space on one of the plan illustrations that may present a drainage issue so the plan is reconfigured reflecting a set of doors with enough space to enter and exit that side of the house to provide more structural integrity at the top of the porch addition.

Mr. Kramer stated that the porch would be constructed according to applicable Village codes and a zoning process was required due to a change in the previously approved Ashbrook Development plan as well as the rear yard variation for the 6.67 feet encroachment.

Commissioner Andrews stated that she visited the property and reviewed the current plan to construct a twenty-four inch (24") paver stone wall that is shown on the plans presented to the Commission. Commissioner Andrews asked Mr. Kramer about the plan to install railings. Mr. Kramer stated that the plan has been slightly modified to require less foundation structure to allow for a railing to be constructed and to reduce the stone wall. Commissioner Andrews inquired about the height of the proposed railing to be installed. Mr. Kramer stated that the railing would be at least twenty-four inches (24") in height. Commissioner Andrews stated that there is also a tree that would be in close proximity to the porch addition. Chairman Schermerhorn noted that there are two neighbors in Ashbrook to the west of the Kramer property that have porches similar to the proposed plan.

Commissioner Lopez and Commissioner Yelnick both stated that the proposed plans will not only enhance the Kramer's property but also the porch addition will be consistent with similar structures constructed on surrounding neighbor properties in Ashbrook.

Chairman Schermerhorn noted that no letters were received from adjacent property owners in favor of granting the zoning relief requested or opposing the requested variation and amendment.

The Commission members reviewed the following Findings of Fact with regard to the residential property at 11135 Glenbrook Lane to evaluate evidence presented in response to the following criteria before recommending a variation, as required by the Village's Zoning Ordinance, ***Title 17 Zoning, Section 17.23.060E***: (1) that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located (not applicable -- this reference pertains only to commercial properties); (2) the plight of the owner is due to unusual circumstances (all commissioners agree); (3) the variation, if granted, will not alter the essential character of the locality (all commissioners agree); (4) the particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as

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distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out (all commissioners agree); (5) the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification (all commissioners agree);

(6) the purpose of the variation is not based upon a desire to make money out of the property (all commissioners agree); (7) the alleged difficulty or hardship has not been created by any person presently having an interest in the property (all commissioners agree); (8) the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located (all commissioners agree); (9) the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood (all commissioners agree).

Commissioner Yelnick moved, seconded by Commissioner Ingram, to accept the findings of fact with regard to the zoning matter before the Planning and Zoning Commission this evening. Motion carried by unanimous roll call vote (6/0/1).

Aye: Chairman Schermerhorn, Commissioners: Andrews, Costelloe, Lopez, Ingram, Yelnick

Nay: None

Absent: Commissioner O'Malley

Chairman Schermerhorn entertained a motion to submit a recommendation to the Village Board to accept the petition as presented for approval. Commissioner Andrews moved, seconded by Commissioner Costelloe, to submit a recommendation to the Village Board for approval of a rear yard variation of 6.67 feet and an amendment to the Ashbrook Development Planned Unit Development to allow for the construction of a rear yard porch addition at 11135 Glenbrook Lane as proposed in the plans presented to the Commission subject to the following conditions: (1) that the porch will not be enclosed; (2) that the Village's tree preservation requirements will be followed for the removal of any tree in connection with this project. Carried by unanimous roll call vote (6/0/1).

Aye: Chairman Schermerhorn, Commissioners: Andrews, Costelloe, Lopez, Ingram, Yelnick

Nay: None

Absent: Commissioner O'Malley

Chairman Schermerhorn stated that a report will be presented to the Village Board at the next meeting and a recommendation will be provided to approve granting a rear yard variation and an amendment to the Ashbrook Development Planned Unit Development for the property located at 11135 Glenbrook Lane.

PUBLIC COMMENTS FROM THE AUDIENCE

Chairman Schermerhorn noted that there were no public comments from the audience regarding this zoning petition.

REVIEW AND APPROVAL OF PLANNING AND ZONING COMMISSION MEETING MINUTES (DISCUSSION AND A POSSIBLE VOTE MAY TAKE PLACE)

★ *Minutes of the Planning and Zoning Commission Meeting held April 1, 2008*

Upon review of the minutes presented from the meeting held on Tuesday, April 1, 2008, Commissioner Costelloe moved, seconded by Commissioner Lopez, to approve the April 1, 2008 meeting minutes, as amended. Carried by unanimous voice vote (6/0/1).

ADJOURNMENT

There being no further business to discuss before the Commission, Commissioner Andrews moved, seconded by Commissioner Yelnick, to adjourn the meeting 8:10 p.m. Carried by unanimous voice vote (6/0/1).

Respectfully Submitted,
Kathy Leach, Recording Secretary
Planning and Zoning Commission